United Nations A/62/421/Add.3

General Assembly

Distr.: General
12 December 2007

Original: English

Sixty-second session
Agenda item 56 (c)

Globalization and interdependence: preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

Report of the Second Committee*

Rapporteur: Ms. Tamar **Tchitanava** (Georgia)

I. Introduction

1. The Second Committee held a substantive debate on agenda item 56 (see A/62/421, para. 2). Action on sub-item (c) was taken at the 25th and 33rd meetings, on 8 November and 7 December 2007. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.2/62/SR.25 and 33).

II. Consideration of draft resolutions A/C.2/62/L.27 and A/C.2/62/L.61

2. At the 25th meeting, on 8 November, the representative of Pakistan, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption" (A/C.2/62/L.27), which read:

"*The General Assembly*,

"*Recalling* its resolutions 54/205 of 22 December 1999, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its

* The report of the Committee on this item is being issued in four parts, under the symbol A/62/421 and Add.1-3.

resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005 and 61/209 of 20 December 2006,

"*Welcoming* the entry into force on 14 December 2005 of the United Nations Convention against Corruption,

"*Welcoming also* the convening of the first session of the Conference of the States Parties to the United Nations Convention against Corruption, in Jordan, from 10 to 14 December 2006, and stressing the need for States parties to take steps to implement the outcome of that Conference,

"*Recognizing* that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

"*Emphasizing* the need for solid democratic institutions responsive to the needs of the people and the need to improve the efficiency, transparency and accountability of domestic administration and public spending and the rule of law, to ensure full respect for human rights, including the right to development, and to eradicate corruption and build sound economic and social institutions,

"*Recognizing* the concern about the transfer and/or transaction of assets of illicit origin derived from corruption, and stressing the need to address this concern consistent with the principles of chapter V of the United Nations Convention against Corruption,

"*Concerned* about the links between corruption in all its forms, including bribery, corruption-related money-laundering and the transfer of assets of illicit origin, and other forms of crime, in particular organized crime and economic crime,

"*Noting* the particular concern of developing countries regarding the return of assets of illicit origin derived from corruption to the countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V, in view of the importance that such assets can have to their sustainable development,

"1. *Takes note* of the report of the Secretary-General;

"2. *Condemns* corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin;

"3. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption and, in this regard, calls upon Member States to work for the prompt return of such assets through asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

"4. *Urges* all Member States and competent regional economic integration organizations, within the limits of their competence, to consider ratifying or acceding to the United Nations Convention against Corruption as a

matter of priority, and calls upon all States parties to the Convention to fully implement the Convention as soon as possible;

"5. *Encourages* Member States to support the various initiatives adopted at the first Conference of States Parties to the United Nations Convention against Corruption with a view to enhancing the capacity of States to implement the Convention, particularly in such areas as asset recovery and the provision of technical assistance to developing countries and countries with economies in transition;

"6. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms including, inter alia, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level and, in accordance with domestic law and policies, at the local level, to prevent and combat corruption;

"7. *Urges* all Member States, consistent with the United Nations Convention against Corruption, to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

"8. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

"9. *Reiterates its request* to the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

"10. *Calls* upon the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, welcomes the agreement to add anti-corruption as the tenth principle of the Global Compact, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

"11. *Takes note* of the generous offer of the Government of Indonesia to host the second session of the Conference of the States Parties to the United Nations Convention against Corruption at Nusa Dua, Bali, Indonesia, from 28 January to 1 February 2008;

"12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session a report on the implementation of previous resolutions

that would further elaborate on the magnitude of corruption at all levels and on any scale, and on the scale of transfer of assets of illicit origin derived from corruption and such transfers on economic growth and sustainable development taking into account the outcome of, and also transmitting the report on, the second session of the Conference of States Parties to the Convention;

"13. *Decides* to include in the provisional agenda of its sixty-third session, under the item entitled 'Globalization and interdependence', the sub-item entitled 'Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption'."

3. At its 32nd meeting, on 7 December, the Committee had before it a draft resolution entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption" (A/C.2/62/L.61), submitted by the Vice-Chairman of the Committee, Hassan Ali Saleh (Lebanon), on the basis of informal consultations held on draft resolution A/C.2/62/L.27.

4. At the same meeting, the Committee was informed that the draft resolution had no programme budget implications.

5. Also at the same meeting, the representative of Indonesia, in his capacity as facilitator, orally corrected the draft resolution (see A/C.2/62/SR.32).

6. At its 33rd meeting, on 7 December, the Committee adopted draft resolution A/C.2/62/L.61, as orally corrected (see para. 8).

7. In the light of the adoption of draft resolution A/C.2/62/L.61, draft resolution A/C.2/62/L.27 was withdrawn by its sponsors.

III. Recommendation of the Second Committee

8. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption

The General Assembly,

Recalling its resolutions 54/205 of 22 December 1999, 56/186 of 21 December 2001 and 57/244 of 20 December 2002, and recalling also its resolutions 58/205 of 23 December 2003, 59/242 of 22 December 2004, 60/207 of 22 December 2005 and 61/209 of 20 December 2006,

Welcoming the entry into force on 14 December 2005 of the United Nations Convention against Corruption,[1]

Also welcoming the convening of the first session of the Conference of the States Parties to the United Nations Convention against Corruption, in Jordan, from 10 to 14 December 2006, and stressing the need for States parties to take steps to implement the outcome of that Conference,

Bearing in mind the importance of the work carried out by the open-ended intergovernmental expert working groups on asset recovery, review of implementation and technical assistance,

Recalling the Monterrey Consensus of the International Conference on Financing for Development,[2] which underlined that fighting corruption at all levels is a priority, and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[3]

Convinced that a stable and transparent environment for national and international commercial transactions in all countries is essential for the mobilization of investment, finance, technology, skills and other important resources, and recognizing that effective efforts at all levels to prevent and combat corruption in all its forms in all countries are essential elements of an improved national and international business environment,

Reiterating its concern about the seriousness of problems and threats posed by corruption to the stability and security of societies, undermining the institutions and the values of democracy, ethical values and justice and jeopardizing sustainable development and the rule of law, in particular when an inadequate national and international response leads to impunity,

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[1] Resolution 58/4, annex.

[2] *Report of the International Conference on Financing for Development, Monterrey, Mexico, 18-22 March 2002* (United Nations publication, Sales No. E.02.II.A.7), chap. I, resolution 1, annex.

[3] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

Recognizing that fighting corruption at all levels is a priority and that corruption is a serious barrier to effective resource mobilization and allocation and diverts resources away from activities that are vital for poverty eradication, the fight against hunger, and economic and sustainable development,

Emphasizing the need for solid democratic institutions responsive to the needs of the people and the need to improve the efficiency, transparency and accountability of domestic administration and public spending and the rule of law, to ensure full respect for human rights, including the right to development, and to eradicate corruption and build sound economic and social institutions,

Recalling that the fight against all forms of corruption requires strong institutions at all levels, including at the local level, able to undertake efficient preventive and law enforcement measures consistent with the United Nations Convention against Corruption, in particular chapters II and III,

Recognizing the concern about the laundering and the transfer and/or transaction of assets of illicit origin derived from corruption, and stressing the need to address this concern consistent with the United Nations Convention against Corruption,

Concerned about the links between corruption in all its forms, including bribery, corruption-related money-laundering and the transfer of assets of illicit origin, and other forms of crime, in particular organized crime and economic crime,

Noting the particular concern of developing countries and countries with economies in transition regarding the return of assets of illicit origin derived from corruption, in particular to countries from which they originated, consistent with the principles of the United Nations Convention against Corruption, in particular chapter V, in view of the importance that such assets can have to their sustainable development,

1. *Takes note* of the report of the Secretary-General;[4]

2. *Expresses concern* about the magnitude of corruption at all levels, including the scale of the transfer of assets of illicit origin derived from corruption, and in this regard reiterates its commitment to preventing and combating corrupt practices at all levels, consistent with the United Nations Convention against Corruption;[1]

3. *Condemns* corruption in all its forms, including bribery, money-laundering and the transfer of assets of illicit origin;

4. *Encourages* all Governments to prevent, combat and penalize corruption in all its forms, including bribery, money-laundering and the transfer of illicitly acquired assets, and to work for the prompt return of such assets through asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V;

5. *Invites* Member States to work on the identification and tracing of financial flows linked to corruption, the freezing or seizing of assets derived from corruption and the return of such assets, consistent with the United Nations

[4] A/62/116.

Convention against Corruption, and encourages the promotion of human and institutional capacity-building in this regard;

6. *Stresses* the importance of mutual legal assistance, and encourages Member States to enhance international cooperation, consistent with the United Nations Convention against Corruption;

7. *Welcomes* the high number of Member States that have already ratified or acceded to the United Nations Convention against Corruption and in this regard urges all Member States and competent regional economic integration organizations, within the limits of their competence, that have not yet done so to consider ratifying or acceding to the Convention as a matter of priority, and calls upon all States parties to fully implement the Convention as soon as possible;

8. *Calls on* States parties, and encourages other Member States, to support the initiatives adopted at the first session of the Conference of States Parties to the United Nations Convention against Corruption, in particular the work carried out by the open-ended intergovernmental expert working groups on asset recovery, review of implementation and technical assistance in order to facilitate the full implementation of the Convention, and the review thereof, and in this regard stresses the importance of the adoption of relevant legislation consistent with the Convention;

9. *Encourages* all States parties that have not yet done so to submit information through the self-assessment checklist as a follow-up mechanism to the first session of the Conference of States Parties;

10. *Welcomes* the efforts of Member States that have enacted laws and taken other positive measures in the fight against corruption in all its forms, including, in accordance with the United Nations Convention against Corruption, and in this regard encourages Member States that have not yet done so to enact such laws and to implement effective measures at the national level and, in accordance with domestic law and policies, at the local level, to prevent and combat corruption;

11. *Takes note* of the Stolen Asset Recovery Initiative of the United Nations Office on Drugs and Crime and the World Bank, and welcomes the cooperation of the Office on Drugs and Crime with relevant partners, including the International Centre for Asset Recovery;

12. *Urges* all Member States, consistent with the United Nations Convention against Corruption, to abide by the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law and the need to safeguard integrity and to foster a culture of transparency, accountability and rejection of corruption;

13. *Encourages* Member States to provide adequate financial and human resources to the United Nations Office on Drugs and Crime, including for the effective implementation of the United Nations Convention against Corruption, and also encourages the Office to give high priority to technical cooperation, upon request, inter alia, to promote and facilitate the ratification, acceptance, approval of or accession to and the implementation of the Convention;

14. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the United Nations Convention against

Corruption and to discharge its functions as the secretariat of the Conference of the States Parties to the Convention, in accordance with its mandate;

15. *Calls for* further international cooperation, inter alia, through the United Nations system, in support of national, subregional and regional efforts to prevent and combat corrupt practices and the transfer of assets of illicit origin, consistent with the principles of the United Nations Convention against Corruption;

16. *Reiterates its request* to the international community to provide, inter alia, technical assistance to support national efforts to strengthen human and institutional capacity aimed at preventing and combating corrupt practices and the transfer of assets of illicit origin as well as for asset recovery consistent with the principles of the United Nations Convention against Corruption, particularly chapter V, and to support national efforts in formulating strategies for mainstreaming and promoting transparency and integrity in both the public and private sectors;

17. *Encourages* all Member States that have not yet done so to require financial institutions to properly implement comprehensive due diligence and vigilance programmes, consistent with the principles of the United Nations Convention against Corruption and those of other relevant applicable instruments;

18. *Calls upon* the private sector, at both the international and the national levels, including small and large companies and transnational corporations, to remain fully engaged in the fight against corruption, welcomes the agreement to add anti-corruption as the tenth principle of the Global Compact, and emphasizes the need for all relevant stakeholders, including within the United Nations system, as appropriate, to continue to promote corporate responsibility and accountability;

19. *Takes note* of the generous offer of the Government of Indonesia to host the second session of the Conference of the States Parties to the United Nations Convention against Corruption at Nusa Dusa, Bali, from 28 January to 1 February 2008, and invites all States parties and signatories to take measures aimed at enhancing the full and effective implementation of the Convention;

20. *Requests* the Secretary-General to submit to the General Assembly at its sixty-third session, from within existing resources, a report on the implementation of the present resolution, also encompassing relevant reports from the second session of the Conference of States Parties to the United Nations Convention against Corruption;

21. *Decides* to include in the provisional agenda of its sixty-third session, under the item entitled "Globalization and interdependence", the sub-item entitled "Preventing and combating corrupt practices and transfer of assets of illicit origin and returning such assets, in particular to the countries of origin, consistent with the United Nations Convention against Corruption", bearing in mind the possibility of reviewing the future consideration of this sub-item.